

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CARLOS ANTONIO TUCKER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**8:23CV552**

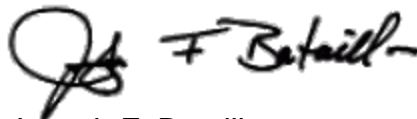
**MEMORANDUM AND ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus, [Filing No. 1](#), and a Motion for Leave to Proceed in Forma Pauperis consisting of a handwritten request to proceed in forma pauperis, [Filing No. 5](#), and a completed Form AO240 Application to Proceed in District Court Without Prepaying Fees or Costs, [Filing No. 7](#). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this Court (see inmate trust account statement at [Filing No. 2](#)), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. See [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis, [Filing No. 5](#); [Filing No. 7](#), is granted. The next step in this case is for the Court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The Court will conduct this review in its normal course of business.

Dated this 28th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon  
Senior United States District Judge